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EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/782,823	LEEMAN, DAVID E.	
	Examiner	Art Unit	
	David J. Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **Detailed Action**

### ***Amendment***

1. This office action is in response to applicant's amendment dated 1-6-06 and this action is final.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,638,588 to Abadie.

Referring to claim 1, Abadie discloses a grid connector locking mechanism comprising, a device to be mounted – at 12, a wire grid – at 20, an extension – at 18,28, projecting from the device to be mounted – see for example figures 1-2, wherein the extension has a top surface – see for example figures 1-2, that is larger than a base – at 14, 16 or one of 24, connected to the device to be mounted – see for example figures 1-2, a gap between the top surface of the extension and the device to be mounted – see the apertures in item 18 in figure 2, wherein the extension is smaller in dimensions than openings in the wire grid – see at 28 in figures 1-2,

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wherein the extension – at 28, passes through the openings in the wire grid – at 20, until the gap is in the plane of the wire grid – see for example figures 1-2, wherein the extension and device to be mounted are rotated roughly 45 degrees – see the threaded portion of item 28 which is rotated to mate with the nuts as seen in figure 2, one or more undercuts – see at 28, the threads in item 28 and at item 18, in figures 1-2, on the underside of the top surface for receiving the wire grid – see for example figures 1-2, and wherein the wire grid is locked between the undercuts and the device to be mounted – see for example figures 1-2.

Referring to claim 2, Abadie discloses the extension is square shaped – see the portions of item 18 directly connected to item 28 in figure 2.

Referring to claim 3, Abadie discloses the device to be mounted – at 12, is mounted on a vertical grid – at 20 – see figures 1-2.

Referring to claim 4, Abadie discloses the undercuts – at 28 and 18, are located on opposite corners of the extension – see for example figure 2.

Referring to claim 5, Abadie discloses the extension is integrally molded with the device to be mounted – see at 12 and 18 in figures 1-2.

Referring to claim 6, Abadie discloses the extension is separately attached to the device to be mounted – see at 12 and 28 in figures 1-2.

Referring to claim 7, Abadie discloses the locking mechanism – see at 12, 18, is split in half, forming two equilateral halves – see figures 1-2.

Referring to claim 8, Abadie discloses a protrusion – at 24 or 28, on one half of the locking mechanism and a corresponding receptacle – at 18 on the opposite half of the locking mechanism – see for example figures 1-2.

Referring to claim 9, Abadie discloses the protrusion fits into the receptacle to create a locked complete locking mechanism – see for example – at 18, 24 and 28 as seen in figures 1-2.

Claims 10-11, 13-15 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,617,669 to Levey.

Referring to claim 10, Levey discloses a fishing device comprising, first and second halves – at 12,14, for forming a complete cylindrical container – see for example figures 1-2, top, bottom and side surface of the cylindrical container – see for example figures 1-2, one or more openings – at 24, in the side surface of the cylindrical container – see for example figures 1-3, one or more hinges – at 16, for connecting the first half to the second half – see for example figures 1-4, raised regions – at 46, for improving grip, and protrusions and tabs – at 20,22, on edges of the side surfaces of the first and second halves for locking the cylindrical container closed – see for example figures 1-2.

Referring to claim 11, Levey discloses protrusions and tabs – at 26-38, on the top and bottom surfaces of the first and second halves for locking the cylinder closed – see for example figures 1-3.

Referring to claim 13, Levey discloses the cylinder is plastic – see for example column 3 lines 2-7.

Referring to claim 14, Levey discloses the one or more openings – at 24 are rectangular – see for example figure 2.

Referring to claim 15, Levey discloses the one or more openings are arranged in rows – see for example figures 1-3. Further, it is unclear to how only one opening can be arranged in a row.

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Referring to claim 21, Levey discloses the first and second halves are closed by pushing two halves together and locking the protrusions into the tabs – see for example figures 1-4 and column 2 lines 27-46.

Referring to claim 22, Levey discloses the first and second halves are opened by applying pressure to the top and bottom surfaces and pulling the first and second halves away from one another – see for example figures 1-4 and column 2 lines 27-46.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levey as applied to claim 10 above, and further in view of U.S. Patent No. 4,914,856 to Kennedy. Levey does not disclose the bait device is used inside fishing traps. Kennedy does disclose the bait device – at 10, is used inside the fishing traps – at 12 – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the bait device used in fishing traps of Kennedy, so as to allow for the device to attract sea life into the trap.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levey as applied to claim 10 above, and further in view of GB Patent No. 2226743 to Bristow.

Referring to claim 16, Levey does not disclose the raised regions are concentric ridges on the top and bottom surfaces of the cylindrical container. Bristow does disclose the raised regions are concentric ridges – at 30-38, on the top and bottom surfaces of the cylindrical container – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the concentric ridges on the top and bottom surfaces of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Referring to claim 17, Levey does not disclose the raised regions are dimples along the outside surface of the cylindrical container. Bristow does disclose the raised regions – at 36, are dimples on the outside surface of the cylindrical container – see for example figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the raised dimples on the container of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levey as applied to claim 10 above, and further in view of Abadie. Levey does not disclose a loop for hanging the apparatus when not in use. Abadie does disclose a loop – at 36, for hanging the apparatus when not in use – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the hanging loop of Abadie, so as to allow for the device to be easily stored and transported.

Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levey as applied to claim 10 above, and further in view of U.S. Patent No. 5,606,820 to Suddeth.

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Referring to claim 18, Levey does not disclose the one or more hinges is three hinges. Suddeth does disclose the one or more hinges – at 52,54, is three hinges – see for example figures 5-6. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add three hinges of Suddeth, so as to allow for the two halves of the container to be securely and movably connected to one another.

Referring to claim 20, Levey does not disclose the hinges are vertical bars on half of the cylindrical container that lock into half circle depressions on the opposite half of the cylindrical container. Suddeth does disclose the hinges – at 52,54, are vertical bars – at 52, on half of the container that lock into half circle depressions – at 54, on the opposite half of the container – see for example figures 3-4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the hinges comprising bars and half circle depressions of Suddeth, so as to allow for the two halves of the container to be securely held together.

Claims 23, 25-27, 31 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abadie in view of Levey.

Referring to claim 23, Abadie does disclose a bait trap with locking mechanism comprising, a device comprising first and second halves for forming a complete cylindrical container to be mounted – at 12, with top, bottom and side surfaces of the cylindrical container – see for example figures 1-2, one or more openings – at 22, on the side surface of the cylindrical container – see for example figures 1-2, raised regions for improving grip – see at 36 and the top of item 18 in figures 1-2, protrusions and tabs – at 24 and at the upper and lower portions – at 18, on edges of the side surfaces of the first and second halves for locking the cylindrical container closed – see for example figures 1-2, a wire grid – at 20, an extension – at 18,28, projecting from



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the device to be mounted – see for example figures 1-2, wherein the extension has a top surface – see for example figures 1-2, that is larger than a base – at 14, 16 or 24, connected to the device to be mounted – see for example figures 1-2, a gap between the top surface of the extension and the device to be mounted – see the apertures in item 18 in figure 2, wherein the extension is smaller in dimensions than openings in the wire grid – see at 28 in figures 1-2, wherein the extension – at 28, passes through the openings in the wire grid – at 20, until the gap is in the plane of the wire grid – see for example figures 1-2, wherein the extension and device to be mounted are rotated roughly 45 degrees – see the threaded portion of item 28 which is rotated to mate with the nuts as seen in figure 2, one or more undercuts – see at 28, the threads in item 28 and at item 18 in figures 1-2, on the underside of the top surface for receiving the wire grid – see for example figures 1-2, and wherein the wire grid is locked between the undercuts and the device to be mounted – see for example figures 1-2. Abadie does not disclose one or more hinges connecting the first and second halves for forming the complete cylindrical container. Levey does disclose one or more hinges – at 16, connecting the first and second halves – at 12,14, for forming the complete cylindrical container – see for example figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie and add the hinges of Levey, so as to allow for the first and second halves to be securely and movably held to one another during use.

Referring to claim 25, Abadie as modified by Levey further discloses the cylinder is plastic – see for example column 3 lines 2-7 of Levey.

Referring to claim 26, Levey discloses the one or more openings – at 24 are rectangular – see for example figure 2 of Levey.

Referring to claim 27, Levey discloses the one or more openings are arranged in rows – see for example figures 1-3 of Levey. Further, it is unclear to how only one opening can be arranged in a row.

Referring to claim 31, Abadie as modified by Levey further discloses a loop – at 36, for hanging the apparatus when not in use – see for example figures 1-2 of Abadie.

Referring to claim 33, Abadie as modified by Levey further discloses the first and second halves are closed by pushing two halves together and locking the protrusions into the tabs – see for example figures 1-4 and column 2 lines 27-46 of Levey.

Referring to claim 34, Abadie as modified by Levey further discloses the first and second halves are opened by applying pressure to the top and bottom surfaces and pulling the first and second halves away from one another – see for example figures 1-4 and column 2 lines 27-46 of Levey.

Referring to claim 35, Abadie as modified by Levey further discloses the extension is square shaped – see the portions of item 18 directly connected to item 28 in figure 2 of Abadie.

Referring to claim 36, Abadie as modified by Levey further discloses the device to be mounted – at 12, is mounted on a vertical grid – at 20 – see figures 1-2 of Abadie.

Referring to claim 37, Abadie as modified by Levey further discloses the undercuts – at 28 and 18, are located on opposite corners of the extension – see for example figure 2 of Abadie.

Referring to claim 38, Abadie as modified by Levey further discloses the extension is integrally molded with the device to be mounted – see at 12 and 18 in figures 1-2 of Abadie.

Referring to claim 39, Abadie as modified by Levey further discloses the extension is separately attached to the device to be mounted – see at 12 and 28 in figures 1-2 of Abadie.

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Referring to claim 40, Abadie as modified by Levey further discloses the locking mechanism – see at 12, 18, is split in half, forming two equilateral halves – see figures 1-2 of Abadie.

Referring to claim 41, Abadie as modified by Levey further discloses a protrusion – at 24 or 28, on one half of the locking mechanism and a corresponding receptacle – at 18 on the opposite half of the locking mechanism – see for example figures 1-2 of Abadie.

Referring to claim 42, Abadie as modified by Levey further discloses the protrusion fits into the receptacle to create a locked complete locking mechanism – see for example – at 18, 24 and 28 as seen in figures 1-2 of Abadie.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abadie as modified by Levey as applied to claim 23 above, and further in view of U.S. Patent No. 4,914,856 to Kennedy. Abadie as modified by Levey does not disclose the bait device is used inside fishing traps. Kennedy does disclose the bait device – at 10, is used inside the fishing traps – at 12 – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add the bait device used in fishing traps of Kennedy, so as to allow for the device to attract sea life into the trap.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abadie as modified by Levey as applied to claim 23 above, and further in view of GB Patent No. 2226743 to Bristow.

Referring to claim 28, Abadie as modified by Levey does not disclose the raised regions are concentric ridges on the top and bottom surfaces of the cylindrical container. Bristow does disclose the raised regions are concentric ridges – at 30-38, on the top and bottom surfaces of the

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cylindrical container – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add the concentric ridges on the top and bottom surfaces of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Referring to claim 29, Abadie as modified by Levey does not disclose the raised regions are dimples along the outside surface of the cylindrical container. Bristow does disclose the raised regions – at 36, are dimples on the outside surface of the cylindrical container – see for example figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add the raised dimples on the container of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abadie as modified by Levey as applied to claim 23 above, and further in view of U.S. Patent No. 5,606,820 to Suddeth.

Referring to claim 30, Abadie as modified by Levey does not disclose the one or more hinges is three hinges. Suddeth does disclose the one or more hinges – at 52,54, is three hinges – see for example figures 5-6. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add three hinges of Suddeth, so as to allow for the two halves of the container to be securely and movably connected to one another.

Referring to claim 32, Abadie as modified by Levey does not disclose the hinges are vertical bars on half of the cylindrical container that lock into half circle depressions on the opposite half of the cylindrical container. Suddeth does disclose the hinges – at 52,54, are

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vertical bars – at 52, on half of the container that lock into half circle depressions – at 54, on the opposite half of the container – see for example figures 3-4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add the hinges comprising bars and half circle depressions of Suddeth, so as to allow for the two halves of the container to be securely held together.

### *Response to Arguments*

4. Regarding claims 1, 3, 5-7, the Abadie reference US 4638588 does disclose an extension – at 18,28 extending from the central cylinder – at 42 as seen in figures 1-2. Applicant argues that the extension – at 18,28 of Abadie does not function as applicant's locking mechanism – at 41. The extensions – at 18,28, of Abadie have a function of locking the wire mesh material – at 20 to the central housing – at 12,42 and therefore can be construed as a locking mechanism. Further, the Abadie reference does disclose the top surface of the extension – at 18,28, is larger than a base – at any one of items 14, 24 or 16 as seen in figures 1-2 where the upper or top half surface of the extension – at 18 is larger in height than either of the base elements – at 14,16 or 24. Further, the Abadie reference discloses gaps – at the apertures extending through the thickness of item 18 as seen in figures 1-2, between the top surface – at the upper half of item 18 and the device to be mounted – at 12 as seen in figures 1-2. Further, applicant argues that the screw/nut combination – at 28 of the Abadie reference is not equivalent to the extensions – at item 41 of applicant's invention. However, applicant does not have a means plus function defining the extensions in the claimed invention and therefore an equivalent structure is not

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needed in the references to meet the claim limitations. Therefore this argument is moot. Further, the screws – at 28 as seen in figures 1-2 pass through the mesh material – at 20 and the nuts – at 28 which connect to the corresponding screws are rotated at least 45 degrees via the threaded connection to secure the screws in place as seen in figures 1-2. Further, the rotating of the extension is an intended use/functional limitation in an apparatus claim and it is deemed that the extension – at 18,28, is capable of being rotated at least 45 degrees via the threaded connection of the screw and nut – at 28 or via rotation about the line attachment means – at 36 during use of the device. Further, the Abadie reference discloses undercuts – at the threads of the screw – 28 or – at the tab portions of item 18 which receives the screws – at 18, which receive the grid – at 20 as seen in figure 1.

Regarding claim 2, the Abadie reference discloses square extensions – at the flange portion of item 18 which directly connects to the screws – at 28 as seen in figures 1-2.

Regarding claim 4, the Abadie reference discloses undercuts – at the threads of item 28 or at the surface of the flange pieces of item 18 are located at all four corners of item 18 as seen in figures 1-2.

Regarding claims 8-9, the Abadie reference discloses protrusions – at 24, on one half of items 12,18 which extend through the other half of items 12,18 as seen in figures 1-2.

Regarding claims 10-11, 13-15 and 21-22, the Levey reference US 5617669 discloses a hinge – at 16. This hinge is a living hinge and meets the claim limitation of the term hinge. Even if applicant's hinge is different than a living hinge, there are not enough limitations in the claimed invention of claim 10 to differentiate the claimed hinge from a living hinge. Further, the Levey reference discloses raised regions – at 46 as seen in figures 1 and 3 which are capable of

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improving the grip of the fishing line which attaches – at 46 and improves the grip of the fisherman who can grip and lift the fishing line from the water with the device attached. This limitation of the grip is an intended use/functional limitation in an apparatus claim and as seen above it is deemed that the raised surfaces – at 46 are capable of improving grip.

Regarding claim 12, the Kennedy reference US 4914856 discloses a fish/crustacean trap using an attracting device – at 10. The device of Levey is an attracting device used to attract fish as seen in figure 1 and therefore it is deemed that the references are combinable to replace one attracting device with another given the motivation to combine the references given above in paragraph 3 of this office action.

Regarding claims 16-17, the Bristow reference GB 2226743 discloses raised regions – at 30-38 on the top and bottom of the device as seen in figure 3 where the device is shown in its operational position with the items – at 30-38, located all around the device including the top and bottom surfaces. Further, the Bristow reference discloses concentric ridges – see the various ridges – at 24,32,38 which are all centered on the longitudinal axis of the elements – at 30-38. The devices of Levey and Bristow are similar in structure and function in that they are both cylindrical devices with apertures on the outside surfaces to allow bait to be released into the water. Therefore since the Levey and Bristow references are similar in structure and function it is deemed that the combination of the references is proper given the motivation to combine the references stated above in paragraph 3 of this office action. Further, applicant argues that the raised regions of applicant's invention are not removable as the raised regions – at 30-38 of Bristow, however the removable/irremovable feature of the raised regions is not claimed and therefore this argument is moot. Further, the device of the Levey reference could function with

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closed openings in that the Bristow reference does not disclose all openings – at 28 are closed as seen in figure 3 and therefore the bait substance can still move through the housing of Levey with some of the openings in the housing being closed.

Regarding claim 19, the Abadie reference discloses a hanging loop – at 36 which is capable of hanging the device during use in the water as seen in figure 1 and is capable of hanging the device when outside of the water in that the loop – at 36 as seen in figures 1-2 is of sufficient size to facilitated hanging on a hook or other type of protrusion for storage.

Regarding claims 18 and 20, the Suddeth reference US 5606820 discloses three hinge elements – at 52,54 as seen in figure 4. The Levey and Suddeth devices each are of similar structure in that they comprise a housing made of two half structures hinged together – see at 12 in figures 1 and 3 of Levey and – at A,B in figures 1-2 of Suddeth, therefore it is deemed that the combination of the references is proper given the motivation to combine the references stated above in paragraph 3 of this office action.

Regarding claims 23, 25-27, 31 and 33-42 , applicant argues that the Abadie reference does not look like or operate like applicant's invention. However, the look and function of the Abadie reference in relation to applicant's invention has no bearing on the patentability of the claims. The comparison of the Abadie reference with applicant's claimed invention does determine the patentability of the claims and it is deemed that the Abadie reference does disclose applicant's claimed invention in that the wire loop – at 36 as seen in figures 1-2 of the Abadie reference improve the grip of the device in that the wire loop – at 36 is of sufficient size and shape to allow the fisherman to grip the loop to move the device. Further, the Abadie reference does disclose an extension – at 18,28 extending from the central cylinder – at 42 as seen in



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figures 1-2. Applicant argues that the extension – at 18,28 of Abadie does not function as applicant's locking mechanism – at 41. The extensions – at 18,28, of Abadie have a function of locking the wire mesh material – at 20 to the central housing – at 12,42 and therefore can be construed as a locking mechanism. Further, the Abadie reference does disclose the top surface of the extension – at 18,28, is larger than a base – at any one of items 14, 24 or 16 as seen in figures 1-2 where the upper or top half surface of the extension – at 18 is larger in height than either of the base elements – at 14,16 or 24. Further, the Abadie reference discloses gaps – at the apertures extending through the thickness of item 18 as seen in figures 1-2, between the top surface – at the upper half of item 18 and the device to be mounted – at 12 as seen in figures 1-2. Further, applicant argues that the screw/nut combination – at 28 of the Abadie reference is not equivalent to the extensions – at item 41 of applicant's invention. However, applicant does not have a means plus function defining the extensions in the claimed invention and therefore an equivalent structure is not needed in the references to meet the claim limitations. Therefore this argument is moot. Further, the screws – at 28 as seen in figures 1-2 pass through the mesh material – at 20 and the nuts – at 28 which connect to the corresponding screws are rotated at least 45 degrees via the threaded connection to secure the screws in place as seen in figures 1-2. Further, the rotating of the extension is an intended use/functional limitation in an apparatus claim and it is deemed that the extension – at 18,28, is capable of being rotated at least 45 degrees via the threaded connection of the screw and nut – at 28 or via rotation about the line attachment means – at 36 during use of the device. Further, the Abadie reference discloses undercuts – at the threads of the screw – 28 or – at the tab portions of item 18 which receives the screws – at 18, which receive the grid – at 20 as seen in figure 1. Further, applicant submits arguments with respect to the

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Suddeth reference and the combination of the Levey and Suddeth references with respect to claim 23 and as seen above in paragraph 3 of this office action and in paragraph 2 of the office action dated 9-6-05 the Suddeth reference is not used to reject claim 23 and therefore these arguments with respect to the Suddeth reference in claim 23 are moot. Further, the Levey reference discloses a hinge – at 16. This hinge is a living hinge and meets the claim limitation of the term hinge. Even if applicant's hinge is different than a living hinge, there are not enough limitations in the claimed invention of claim 23 to differentiate the claimed hinge from a living hinge. Since, the Abadie and Levey references have similar structure and function being cylindrical housings with openings allowing bait to be put into the water, it is deemed that the combination of these references is proper given the motivation to combine the references set forth in paragraph 3 above in this office action.

Regarding claim 24, the Kennedy reference discloses a fish/crustacean trap using an attracting device – at 10. The devices of Abadie and Levey are attracting devices used to attract fish as seen in figure 1 and the Abstract of Abadie and figure 1 of Levey and therefore it is deemed that the references are combinable to replace one attracting device with another given the motivation to combine the references given above in paragraph 3 of this office action.

Regarding claims 28-29, the Bristow reference discloses raised regions – at 30-38 on the top and bottom of the device as seen in figure 3 where the device is shown in its operational position with the items – at 30-38, located all around the device including the top and bottom surfaces. Further, the Bristow reference discloses concentric ridges – see the various ridges – at 24,32,38 which are all centered on the longitudinal axis of the elements – at 30-38. The devices of Abadie, Levey and Bristow are similar in structure and function in that they are both

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cylindrical device with apertures on the outside surfaces to allow bait to be released into the water. Therefore since the Abadie, Levey and Bristow references are similar in structure and function it is deemed that the combination of the references is proper given the motivation to combine the references stated above in paragraph 3 of this office action. Further, applicant argues that the raised regions of applicant's invention are not removable as the raised regions – at 30-38 of Bristow, however the removable/irremovable feature of the raised regions is not claimed and therefore this argument is moot. Further, the device of the Abadie and Levey references could function with closed openings in that the Bristow reference does not disclose all openings – at 28 are closed as seen in figure 3 and therefore the bait substance can still move through the housing of Abadie and Levey with some of the openings in the housing being closed.

Regarding claims 30 and 32, the Suddeth reference discloses three hinge elements – at 52,54 as seen in figure 4. The Abadie, Levey and Suddeth devices each are of similar structure in that they comprise a housing made of two half structures connected together – see at figures 1-2 of Abadie – at 12 in figures 1 and 3 of Levey and – at A,B in figures 1-2 of Suddeth, therefore it is deemed that the combination of the references is proper given the motivation to combine the references stated above in paragraph 3 of this office action.

### *Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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David Parsley  
Patent Examiner  
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**PETER M. POON**  
**SUPERVISORY PATENT EXAMINER**

2/23/06